It is undesirable to go on increasing Munsiffs Courts with every increase in litigation. The remedy would appear to be in the direction of lightening the work of the Munsiffs. Besides the High Court, we have only two grades of Civil tribunals in the State, namely the District Courts and the Munsiff Courts, while in British India and in most of the Native States, there is an intermediate grade of court called the Subordinate Judge's Court. Though we have 2 Second Judges whose position may be taken to correspond to that of the Subordinate Judges elsewhere, they have no independent files and have only to dispose of cases transferred to them by the District Judges, the powers of the two classes of Judges in civil matters being co-ordinate. None of the District Judges and Second Judges possess original small cause jurisdiction, except in regard to a few cases falling under the Jenmi and Kudyan Regulation, not exceeding Rs. 100 in value. Section 11 of the Civil Courts Regulation, as amended by section 5 of Regulation I of 1077, makes, however, their decisions in appeals from suits of a small cause nature not exceeding Rs. 100 in value non-appealable. The ordinary Jurisdiction of the Munsiffs extends up to Rs. 1000 and the small cause jurisdiction up to Rs. 30 generally and to Rs. 50 in special cases, while the Munsiffs in the Madras Presidency have ordinary jurisdiction up to Rs. 2,500 and small cause jurisdiction up to Rs. 50 generally and Rs. 200 in special cases.

On a consideration of the above facts, it will be admitted that, as the best possible solution of the existing difficulties in the administration of Civil Justice, further modifications and improvements are necessary. To state broadly, the Bill, I ask leave to introduce, proposes to raise the small cause and ordinary jurisdiction of the Munsiffs and to create Subordinate Judge's Courts with ordinary and small cause jurisdication and with power to hear appeals from the decisions of Munsiffs in certain cases. It is also proposed to invest District Judges with small cause jurisdiction up to certain limits when necessary. As already stated, Government have power under Regulation I of 1077 to raise the small cause jurisdiction of Munsiffs up to 50 Rs. in special cases, and several Munsiffs have already been invested with this enhanced jurisdiction. It will be admitted that the *personnel* of this grade of judicial officers fully justifies the extension of the enhancement of powers to every member of the grade. In the Madras Presidency all the Munsiffs have ordinary jurisdiction up to Rs. 2,500. In Mysore, though the ordinary jurisdiction is fixed at Rs. 1,000, Government have taken power to enhance it to Rs. 2,500. In order to adjust differences in the work of the several grades of courts, it is proposed to adopt an intermediate course here.

The above measures, however, would not afford the Munsiffs relief to the extent that it is desirable to give them. The creation of Subordinate Courts with original small cause jurisdiction and the investiture of District Judges with similar powers, when necessary, are desirable.

These measures are intended to reduce the cost of litigation and secure speedy dispensation of justice. Occasion will also be taken to remove some existing anomalies and bring the judicial system in line with those obtaining elsewhere.

Permission was granted accordingly.

HIGH COURT REGULATION AMENDMENT BILL.

Mr. Vieyra.—Sir, As permission has been granted by the Council to introduce a Bill to amend the Civil Courts Regulation, I beg leave to introduce another Bill to amend the High Court Regulation I of 1067. The amendments I would propose are the result of the modifications contemplated in the Bill for the amendment of the Civil Courts Regulation I of 1057. They affect the constitution of the High Court. With the enhancement of the powers of Civil Courts and the creation of Subordinate Judges, the work of the High Court will be considerably lightened. The number of first and second appeals filed in the High Court in 107 aggregated 371 and 330 respectively. If appeals from the decisions of Munsiffs in suits of between Rs. 500 and 1,000 in value, which are now filed in the High Court, be made to lie to the District Courts the file of first appeals will come down to 230. Of the second appeals instituted in the High Court the value in 171 appeals did not exceed Rs. 200.

LIBRARY ARCHIVES Kerala Legislative Assembly

A portion of these will become non-appealable by the investiture of the District and Subordinate Judges with original small cause jurisdiction, but there will be the second appeals in suits of between Rs. 500 and 1,000 in value. It is proposed to make all appeals allowed by law from the decisions of subordinate judges to lie directly to the High Court, though in the Madras Presidency and Mysore some of their decisions are made appealable to the District Courts. Both in Madras and Mysore an Admission Court exists for the admission of second appeals. In Travancore too the Registrar of the High Court appears to have exercised the powers of an Admission Court till the passing of the High Court Regulation I of 1067. Having regard to the results of the second appeals disposed of by the High Court (about 70 % are confirmed), I think provision for an admission court would be desirable. Even if clause (c) of Section 553 of the Code of Civil Procedure allowing a second appeal on facts in cases of conflicting findings, is allowed to stand, the appellate civil work before the High Court is not likely to exceed 230 first appeals and 300 second appeals. This may not give sufficient work for two Division Benches sitting daily in the High Court, taking the average number of working days roughly at 200. I find that, as a rule, the highest court consists everywhere only of an odd number of judges and the local High Court Regulation I of 1067 now in force also recognises only a Full Bench of 3 Judges. I think that, in these circumstances, the number of Judges in the High Court may be reduced to three. There could be no harm in making petty second appeals not exceeding Rs. 500 in value disposable by a single judge of the High Court, two courts having already fully gone into the merits of the cases. Provision will be made for such Judge referring any such appeal for hearing and disposal by a Division Bench. By Regulation I of 1057 only appeals of Rs. 5000 and above in value had to be disposed of by a Bench of 3 Judges. The subsequent extension of the rule to appeals of the value of Rs. 2500 and above has been tried for some years and the experience gained seems to justify a reversion to the previous pecuniary limit, having regard especially to the powers enjoyed by Division Benches in other Chief or High Courts. Under the above circumstances the High Court will have considerable relief and much spare time, which they can devote to the criminal appellate and revisional work.

Permission was granted accordingly.

LAND REVENUE CODE BILL.

Mr. Rajaram Row.—Sir, I move that rule 33 governing the conduct of business of this Council be suspended to enable me to introduce the Land Revenue Code Bill for which permission was granted to me at this Council's meeting held on the 19th September last. That rule lays down that the member in charge of a Bill may introduce it after giving 6 clear days' notice to the Secretary and if that were the only condition necessary for introduction, I may say I have fulfilled it, and I need not ask for the suspension of any rule; but there is a very important proviso attached to it, viz, that no Bill shall be introduced until 15 clear days have elapsed from the date of its publication. This condition has not been fulfilled in the case of this Bill, for it is hardly 5 days since it appeared in the Government Gazette, nor has the publication been in both the languages as prescribed by the rules. For these reasons, I may not appear to be justified in asking the Council to give it a first reading. My reason, however, in asking a departure to be made from the ordinary course of business is that the measure is important and that the longer and more frequently it is discussed formally by the members of the Council and the public the greater will be the advantage gained in steering it through. When a Bill is introduced, the Council reads it for the first time, and it is optional with them to discuss its principle at that meeting or put it off to a later one. I ask that the first portion of that rule be suspended and that the Bill have its first reading in Council to-day. To ask for the suspension of the other part of the rule would be pressing my application too far as spare copies of the Bill have not been in the hands of my Honorable colleagues for even full 24 hours, and 3 of the non-official members are not present at to-day's meeting.

Seconded by Mr. Mahadeva Iyer.

The motion was put and agreed to.

LIBRARY ARCHIVES Kerala Legislative Assembly